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*Attorney for Defendant*

**UNITED STATES DISTRICT COURT**

## DISTRICT OF NEVADA

17 COMES NOW, defendant, LANCE OTTERSTEIN, by and through his counsel,  
18 JAMES A. ORONZO, ESQ., and hereby moves this Court for an Order granting the instant  
19 motion for a Pre-Plea Presentence Investigation Report to be prepared by the United States  
20 Department of Parole and Probation.

21       1. It is counsel's understanding that Mr. Otterstein has been convicted of  
22 misdemeanor offenses in Nevada. Counsel is unaware of any felony convictions. Accordingly,  
23 counsel believes that Mr. Otterstein has a Criminal History Category of I. Mr. Otterstein's  
24 Criminal History category will drastically impact his sentencing exposure, negotiations, and his  
25 decision as to how he should proceed in this matter. A pre-plea presentence investigation report  
26 will promote judicial economy and aid in the manner in which this case is timely resolved.

27       2. Therefore, undersigned counsel respectfully requests this Court issue an Order  
28 directing the United States Department of Parole & Probation to conduct a pre-plea  
presentence investigation report as soon as possible.

3. Undersigned counsel has spoken to the prosecutor, Assistant United States Attorney Kimberly Frayn, regarding this request and she has no opposition.

DATED this 25<sup>th</sup> day of July, 2012.

/s/ James A. Oronoz  
JAMES A. ORONOZ, Esq.  
700 South 3<sup>rd</sup> Street  
Las Vegas, NV 89101  
*Counsel for Lance Otterstein*

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2                   **UNITED STATES DISTRICT COURT**  
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4                   **DISTRICT OF NEVADA**  
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6                   UNITED STATES OF AMERICA,                   }  
7                   Plaintiff,                                      }  
8                   vs.    }  
9                   LANCE OTTERSTEIN,                          }  
10                   Defendant.                                 }  
11                     
12                   

  } 2:11-cr-00223-MMD-CWH  
  }  
  } **ORDER**  
  }  
  }  
  }

12                   IT IS HEREBY ORDERED that that the United States Department of Parole and  
13                   Probation will prepare a Pre-Plea Pre-Sentence Investigation Report on Defendant Lance  
14                   Otterstein.  
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16                   DATED this 25<sup>th</sup> day of July, 2012.

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  } UNITED STATES DISTRICT JUDGE  
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## CERTIFICATE OF ELECTRONIC SERVICE

The undersigned hereby certifies that I am an employee of Oronoz & Ericsson L.L.C. and is a person of such age and discretion as to be competent to serve papers.

That on July 25, 2012, I served an electronic copy of the above and foregoing  
**UNOPPOSED MOTION TO CONDUCT A PRE-PLEA PRESENTENCE**  
**INVESTIGATION REPORT AND PROPOSED ORDER** by electronic service (ECF) to  
the person(s) named below:

DANIEL G. BOGDEN  
United States Attorney  
333 Las Vegas Blvd. South, #5000  
Las Vegas, NV 89101  
*Counsel for United States*

KIMBERLY FRAYN  
Assistant United States Attorney  
333 Las Vegas Blvd. South, #5000  
Las Vegas, NV 89101  
*Counsel for United States*

/s/    Lucas Gaffney, Esq.  
Employee of the Oronoz Law Offices